



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 35]

नई दिल्ली, मंगलवार, अगस्त 12, 1986/श्रावण 21, 1908

No. 35]

NEW DELHI, TUESDAY, AUGUST 12, 1986/ SRAVANA 21, 1908

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

## LOK SABHA

The following Bills were introduced in Lok Sabha on the 12th August, 1986:—

BILL NO. 98 OF 1986

*A Bill further to amend the Estate Duty Act, 1953.*

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Estate Duty (Amendment) Act, 1986.

Short title and commencement.

(2) It shall be deemed to have come into force on the 16th day of March, 1985.

34 of 1953.

2. In section 5A of the Estate Duty Act, 1953, in sub-section (2C),—

Amendment of section 5A.

(i) in clause (a), the word “and” occurring at the end shall be omitted;

(ii) after clause (a), the following clause shall be inserted, namely:—

“(aa) the States of Punjab and Tripura, on the 16th day of March, 1985; and”.

**STATEMENT OF OBJECTS AND REASONS**

The Estate Duty Act, 1953 has ceased to apply to the levy of estate duty in respect of any property (other than agricultural lands) which passes on the death of any person on or after the 16th day of March, 1985. The Estate Duty Act has also ceased to apply to the levy of estate duty in respect of agricultural lands situate in all the Union territories, and all the States except the States of Nagaland, Punjab and Tripura from various dates specified in the Act. The State Legislatures of Punjab and Tripura have passed resolutions under article 252 of the Constitution that the levy of estate duty in respect of agricultural lands situate in those States passing on the death of the persons occurring on or after the 16th March, 1985 should be discontinued.

2. The Bill seeks to amend the Estate Duty Act to achieve the above object.

NEW DELHI;  
*The 4th August, 1986.*

VISHWANATH PRATAP SINGH.

## BILL NO. 99 OF 1986

*A Bill to provide for giving retrospective effect to certain notifications relating to exemption from duties of excise.*

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Central Duties of Excise (Retrospective Exemption) Act, 1986.

Short  
title.

2. (1) Every notification issued by the Government of India in the Ministry of Finance (Department of Revenue) on or after the 3rd day of March, 1986, but before the 8th day of August, 1986, in exercise of the powers conferred by sub-rule (1) of rule 8 of the Central Excise Rules, 1944, for the purpose of,—

Retrospec-  
tive effect  
for certain  
notifica-  
tions.

(a) maintaining the effective rates of duties of excise at the level obtaining prior to the 28th day of February, 1986 notwithstanding the changes in the rates of duties of excise made by the Central Excise Tariff Act, 1985, the Additional Duties of Excise (Textiles and Textile Articles) Amendment Act, 1985 or the Additional Duties of Excise (Goods of Special Importance) Amendment Act, 1985; or

(b) maintaining the effective rates of duties of excise at the level obtaining prior to the 1st day of March, 1986 notwithstanding

5 of 1986.

6 of 1986.

7 of 1986.

the changes in the rates of duties of excise made by the Finance Bill, 1986,

shall be deemed to have, and to have always had, effect on and from the 1st day of March, 1986.

**(2) The duties of excise which have been collected, but which would not have been so collected if the said notification had been in force at all material times, shall be refunded:**

**Provided that no such refund shall be allowed where credit of the duties of excise has been taken under rule 56A or, as the case may be, rule 57A of the Central Excise Rules, 1944, or where the goods on which the duties of excise have been paid have been exported under a claim for rebate of such duties.**

**(3) The duties of excise which have become payable, but which would not have been so payable if the said notification had been in force at all material times, shall not be required to be paid.**

**(4) Any person claiming refund of any duty of excise under subsection (2) may make an application for refund of such duty to the Assistant Collector of Central Excise before the expiry of six months from the commencement of this Act.**

## STATEMENT OF OBJECTS AND REASONS

The Central Excise Tariff Act, 1985 (5 of 1986), which was passed by Parliament in the Winter Session of 1985, came into force on the 28th February, 1986. This Act provided for a new tariff nomenclature as also rates of duties of excise. Simultaneously, two companion Acts, namely, the Additional Duties of Excise (Goods of Special Importance) Amendment Act, 1985 and the Additional Duties of Excise (Textiles and Textile Articles) Amendment Act, 1985 effecting consequential changes in the levy of additional duties of excise were given effect to from the same date.

2. In the Statement of Objects and Reasons relating to the said Bills as well as at the time of consideration of these Bills in both Houses of Parliament, it was stated that, as regards rates of duties, the Bills sought to preserve, by and large, the then existing duty structure. It was further mentioned that where the statutory rates of duties were fixed at a level higher than the effective rates, an attempt would be made to continue the effective rates through exemption notifications issued under the Central Excise Rules, 1944 and that any unintended change in the rates of duty would be duly corrected.

3. In keeping with the above objects, a number of exemption notifications were issued after the new Tariff Act became operative, so as to preserve, by and large, effective rates of duties of excise as they existed prior to the commencement of the said Act. However, some of these exemption notifications could be issued only after the 1st day of March, 1986, when the impact of the duty changes came to be known to the Government either from the trade and industry or from the field officers. These notifications also include the notifications issued for the purpose of correcting the unintended levy on certain excisable goods on account of changes made by the notifications issued along with the Finance Bill, 1986.

4. As the notifications issued after the 1st day of March, 1986, under sub-rule (1) of rule 8 of the Central Excise Rules, 1944 cannot be applied retrospectively, it has become necessary to introduce this Bill so as to give retrospective effect from the 1st day of March, 1986, to any such notification, issued by the Central Government on or after the 3rd day of March, 1986 but before the 8th day of August, 1986, for the purpose of,

- (a) maintaining the effective rates of duties of excise at the level obtaining prior to the 28th day of February, 1986 notwithstanding the changes in the rates of duties of excise made by the Central excise Tariff Act, 1985, the Additional Duties of Excise (Textiles and Textile Articles) Amendment Act, 1985 or the Additional Duties of Excise (Goods of Special Importance) Amendment Act, 1985; or

- (b) maintaining the effective rates of duties of excise at the level obtaining prior to the 1st day of March, 1986, notwithstanding the changes in the rates of duties of excise made by the Finance Bill, 1986.

5. The Bill seeks to achieve the above objects.

VISHWANATH PRATAP SINGH

NEW DELHI;  
*The 8th August 1986.*

---

PRESIDENTS RECOMMENDATION UNDER ARTICLES 117 and 274  
(1) OF THE CONSTITUTION OF INDIA

[Copy of letter No. 1214-G/PARL-86, dated the 8th August, 1986 from Shri Vishwanath Pratap Singh, Minister of Finance to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the Central Duties of Excise (Retrospective Exemption) Bill, 1986, recommends under clause (1) of article 117 and clause (1) of article 274 of the Constitution of India for introduction of the Bill in Lok Sabha and also under clause (3) of article 117 of the Constitution of India its consideration by Lok Sabha,

## FINANCIAL MEMORANDUM

Sub-clause (2) of clause 2 of the Bill provides for refund in certain cases of the duties of excise which have been collected, but which would not have been collected if the exemption notifications referred to in this clause had been in force at all material times.

It has not been found feasible to quantify, in precise terms, the amount of refund involved in this respect. However, the amount of refund involved is not likely to exceed rupees five crores.

The Bill does not involve any other expenditure of a recurring or non-recurring nature.

---

SUBHASH C. KASHYAP,  
*Secretary-General.*

